

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
	)	
-versus-	)	6:09-1067-1
	)	
	)	July 6, 2010
ALVARO EZEQUEIL ALAS,	)	
	)	Greenville, SC
Defendant.	)	

TRANSCRIPT OF SENTENCING

BEFORE THE HONORABLE HENRY M. HERLONG, JR.  
SENIOR UNITED STATES DISTRICT JUDGE, presiding

A P P E A R A N C E S:

For the Government:	ANDREW B. MOORMAN, AUSA US Attorney's Office 105 N. Spring St., Ste. 200 Greenville, SC 29601
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For the Defendant:	RICHARD H. WARDER, ESQ. PO Box 26133 Greenville, SC 29616
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Court Reporter:	KAREN E. MARTIN, RMR, CRR 300 E. Washington Street Room 304 Greenville, SC 29601
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The proceedings were taken by mechanical stenography and  
the transcript produced by computer.

1 Tuesday, July 6, 2010

2 **MR. MOORMAN:** Your Honor, may it please the  
3 Court? The next matter is Case No. 6:09-1067, The United  
4 States vs. Alvaro Ezequeil Alas. He is represented by  
5 Mr. Richard Warder.

6 **THE CLERK:** He does have an interpreter, Judge.

7 **THE COURT:** Swear the interpreter, please.

8 (WHEREUPON, the interpreter was sworn.)

9 **THE COURT:** Mr. Alas, are you ready for  
10 sentencing at this time?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** As I recall in the report, you  
13 indicate you speak English; is that correct?

14 **THE DEFENDANT:** Yes.

15 **THE COURT:** Well, we have an interpreter in case  
16 you need the interpretation.

17 **THE DEFENDANT:** Thank you.

18 **THE COURT:** Have you had enough time to discuss  
19 this matter with your attorney?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** And are you satisfied thus far with  
22 the representation of your attorney?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Have you and your attorney -- do you  
25 have any complaints of your attorney -- excuse me. Do you

1 have any complaints of your attorney or anyone else in  
2 connection with this case?

3 **THE DEFENDANT:** No.

4 **THE COURT:** Have you and your attorney  
5 thoroughly reviewed the Presentence Report?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** And are there any objections to  
8 anything in the report?

9 **MR. WARDER:** No, Your Honor.

10 **THE COURT:** Mr. Alas, do you have any objections  
11 to anything in the Presentence Report?

12 **THE DEFENDANT:** No.

13 **THE COURT:** The Court hearing that there are no  
14 objections to the report and the Court having reviewed the  
15 report, the Court adopts the findings including the  
16 guideline calculations contained in the report. The Court  
17 will accept the guidelines as advisory only.

18 The statute provides for a sentence of ten years  
19 minimum to life imprisonment, supervised release of at  
20 least five years. He has a Total Offense Level of 35,  
21 Criminal History Category of II. His range is 188 to 235  
22 months imprisonment, five years supervised release. He  
23 does not have the financial ability to pay a fine. The  
24 special assessment requirement is \$100.

25 For sentencing purposes, Mr. Warder, I will hear

1 from you at this time.

2 **MR. WARDER:** Your Honor, in working with  
3 Mr. Alas, he's a pleasant, well-educated man that can  
4 speak both English and Spanish. He graduated from high  
5 school. He has five children here. He worked for a  
6 number of years and had a good work record at Gourmet  
7 Pizza on Augusta Road.

8 **THE COURT:** Let me ask you about that. The  
9 owner said they don't know anything about him.

10 **MR. WARDER:** Your Honor, I have talked to him  
11 about that. He tells me he worked, he paid taxes, that it  
12 was withheld. I cannot give you an explanation for why  
13 they suddenly don't know him.

14 He's certainly going to have a hard time  
15 maintaining a relationship with these children. The  
16 mother of his children is seated in the courtroom here.

17 Your Honor, I would urge you to be as lenient as  
18 you can. I think that Mr. Alas has a lot of good  
19 qualities that will serve him when his sentence is done.

20 **THE COURT:** I don't know if the Presentence  
21 Report says it but what's his citizenship status?

22 **MR. WARDER:** He is a citizen of El Salvador.

23 **THE COURT:** What's his status of being in the  
24 United States?

25 **MR. WARDER:** INS has a hold on him. He is

1 illegal in the country.

2 **THE COURT:** Was he here on a work VISA?

3 **THE PRETRIAL OFFICER:** No, sir, he entered  
4 illegally.

5 **THE COURT:** Does it say that in the report?

6 **THE PRETRIAL OFFICER:** Yes, sir. He has an  
7 immigration detainer filed on him.

8 **THE COURT:** Well, I saw that. But I didn't see  
9 where it indicated that what his status was here. I  
10 assume, for instance, somebody with a green card, if you  
11 get convicted, they are going to revoke it. So he is just  
12 here illegally?

13 **THE PRETRIAL OFFICER:** He's been here illegal  
14 since he came to the United States.

15 **THE COURT:** Okay.

16 Now, Mr. Alas, I will hear from you if there is  
17 anything you care to say to the Court.

18 **THE DEFENDANT:** No.

19 **THE COURT:** All right. If you don't want to say  
20 anything, I will impose sentence.

21 From the record, it appears that he was a major  
22 drug dealer in this area. As I recall, it's attributed  
23 that it was attributed to him for sentencing purposes was  
24 a minimum of 140 -- almost 141 kilograms of cocaine. We  
25 are not talking about grams, we are talking about

1 kilograms. I would suspect that your wife and everyone  
2 that knew you knew you were a major drug dealer because  
3 you don't buy and sell that quantity of drugs and make  
4 that kind of living being unemployed.

5 I better not say anymore. There could be some  
6 further investigation of those who you live with and what  
7 they knew and what they knew about this and what they may  
8 have participated in.

9 The Court has considered those factors under 18  
10 USC Section 3553(a). The Court has considered the  
11 guidelines as advisory only. The Court finds that this --  
12 the guidelines apply to typical cases. The Court finds  
13 this is a typical case of a major drug dealer. Therefore,  
14 the Court having considered those factors under 18 USC  
15 Section 3553(a) finds that a guideline sentence is  
16 appropriate and will impose a guideline sentence.

17 It is therefore the Sentence of the Court that  
18 the defendant is committed to the custody of the Bureau of  
19 Prisons to be imprisoned for a term of 224 months and pay  
20 a \$100 special assessment fee which is due immediately.

21 He's then placed on supervised release for a  
22 term of five years with a special condition as follows:  
23 The defendant shall not return to the United States  
24 contrary to law and without permission from the United  
25 States Attorney General or the Secretary of the Department

1 of Homeland Security.

2 That is the end of the sentence. You have the  
3 right to appeal this sentence. If you cannot afford the  
4 cost of an appeal, you can apply to proceed without the  
5 payment of costs and apply to have an attorney appointed  
6 to represent you.

7 That's all. Thank you.

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9 I certify that the foregoing is a correct transcript from  
10 the record of proceedings in the above-entitled matter.

11  
12 s/Karen E. Martin

9/29/10

13 \_\_\_\_\_  
Karen E. Martin, RMR, CRR

Date \_\_\_\_\_